

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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4 JUL 2005

SEANFOORT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

04.07.2005

Applicant's or agent's file reference

MAIP

P63628PC00

IMPORTANT NOTIFICATION

International application No.

PCT/NL2004/000214

International filing date (day/month/year)

30.03.2004

Priority date (day/month/year)

01.04.2003

Applicant

IKU HOLDING MONTFOORT B.V. ET AL

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ---	FOR FURTHER ACTION		See Form PCT/PEA/418
International application No. PCT/NL2004/000214	International filing date (day/month/year) 30.03.2004	Priority date (day/month/year) 01.04.2003	
International Patent Classification (IPC) or national classification and IPC B60R1/12			
Applicant IKU HOLDING MONTFOORT B.V. ET AL			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 7 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 01.02.2005		Date of completion of this report 04.07.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Daehnhardt, A Telephone No. +31 70 340-4268	



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NL2004/000214

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements* of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1, 2, 4-8 as originally filed
3, 3a as amended (together with any statement) under Art. 19 PCT

Claims, Numbers

1-13 as amended (together with any statement) under Art. 19 PCT

Drawings, Sheets

1/2-22 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☒ the claims, Nos. 14, 15
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NL2004/000214

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

PCT/NL2004/000214

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1 State of the art

Reference is made to the following documents:

- D1: WO 95/25322 A (PATCHELL JOHN ;GALLIUM SOFTWARE INC (CA); PRIOR JOHN LEONARD (CA)) 21 September 1995 (1995-09-21)
- D2: EP-A-0 381 016 (HOHE KG) 8 August 1990 (1990-08-08)
- D3: US-B1-6 476 731 (MIKI NOBUAKI ET AL) 5 November 2002 (2002-11-05)
- D4: PATENT ABSTRACTS OF JAPAN vol. 011, no. 208 (P-593), 7 July 1987 (1987-07-07) & JP 62 028684 A (NAOTO OOTSUKI), 6 February 1987 (1987-02-06)
- D5: FR-A-2 551 005 (GALLAND JEAN CLAUDE) 1 March 1985 (1985-03-01)
- D6: GB-A-2 350 741 (MARSHALL JASON ROBERT) 6 December 2000 (2000-12-06)
- D7: GB-A-2 311 265 (DONNELLY CORP) 24 September 1997 (1997-09-24)
- D8: US-B1-6 424 272 (GUTTA SRINIVAS ET AL) 23 July 2002 (2002-07-23)

2 Claims 1 to 13

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document, cf. document D1, page 2, line 21 - 24; page 6, line 17 - page 7 line 19; figures 1 - 3) a wing mirror unit, in particular for a motor vehicle, comprising a detection system (1, 2) for detecting an object in a blind spot of the wing mirror unit, which detection system (1, 2) is provided with an observation unit (1a, 2a) for generating observation data; a data processing unit (page 7, line 28 - 32, figure 4a) for processing the observation data; and an indication unit (page 9, line 1 - 4) for displaying a warning signal, wherein internal data communication connections of the detection system are disposed in the wing mirror unit, so that the detection system is autonomous (page 2,

line 21 - 24), wherein the indication unit comprises an optical indicator (73).

The subject-matter of claim 1 therefore differs from this known wing mirror unit in that the optical indicator is disposed on the mirror supporting plate for generating an optical signal.

The problem to be solved by the present invention may therefore be regarded as to provide a clearly detectable warning signal.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The feature of disposing an optical indicator on a mirror supporting plate is described in document D2 (see figure 1) or document D4 (see figure 2) as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the wing mirror unit described in document D1 in order to solve the problem posed.

Consequently, the subject-matter of claim 1 does not involve an inventive step.

- 2.2 Dependent claims 2 to 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT), the reasons being as follows:

The additional features of dependent claims 2, 3, 5, 7 and 8 are known from document D2, figures 1 and 2.

The features of claims 4, 9, 11 and 12 are merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

The additional features of claim 10 are known from document D1, page 7, line 28-32; page 9, line 1-4).

Consequently, the subject-matter of claims 2 to 12 also lacks an inventive step.

- 2.3 The same reasoning as referred to under point 2.1 applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claim 13, which therefore is also considered not inventive (Article 33(3) PCT).

3 Industrial applicability

The subject-matter of claims 1 to 13 seems to fulfil the provisions of Art. 33 (4) PCT, since it can be produced and used at least in the automotive industry.

Re Item VIII

Certain observations on the international application

1 Clarity

The term "**mirror supporting plate**" used in claims 1 and 13 is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.